



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: John E. Sims and Dirk E. Smith

Docket No.: 0317-US

Serial No.: 09/763,498

Filing Date: May 15, 2001

For: HUMAN IL-1 EPSILON DNA AND POLYPEPTIDES

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
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- Postcard
- Request for Continued Examination with petition for Extension of Time (+ copy)
- Response to Office Action and Amendment D

Immunex Corporation/PAP
Law Department
1201 Amgen Court West
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Signed: _____

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DANNY R. ELLIOTT

Date: _____

07-26-04



07-27-04

IFW RCE 1647

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Modified PTO/SB/30 (08-03)

Request For Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/763,498
	Filing Date	May 15, 2001
	First Named Inventor	John E. Sims
	Art Unit	1647
	Examiner Name	F. Hamud
	Attorney Docket Number	0317-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other: Certificate of Express Mail, Postcard

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees (The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.)

- a. ☒ The Director is hereby authorized to charge the following fees as well as any additional fees which may be required, or credit any overpayments, to Deposit Account No. 09-0089.
- i. ☒ RCE fee required under 37 CFR 1.17(e) in the amount of \$770.00
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) in the amount of \$950.00. If additional extension of time is required, please consider this a request therefore.
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Patricia Anne Perkins	Registration No. (Attorney/Agent)	34,693
Signature		Date	July 26, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.: 0317-US

Serial No.: 09/763,498

Group Art Unit: 1647

Filing Date: May 15, 2001

Examiner: F. Hamud

For: Human IL-1 epsilon DNA and Polypeptides

RESPONSE TO OFFICE ACTION AND AMENDMENT D

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to an Advisory Action having a mailing date March 25, 2004, Applicants request that the claims be amended as described, and reconsidered. Applicants thank the Examiner for the opportunity to discuss amendments to the claims that would place them in better form for allowance on July 23, 2004.

- **Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.
- **Remarks** begin on page 6 of this paper.
- **Conclusions** begin on page 8 of this paper